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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,072	06/26/2003	Kenneth E. Sauter	SAU004-186	1640

7590 07/13/2005

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EXAMINER

PAIK, SANG YEOP

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TaTe

**Office Action Summary**

Application No.

10/606,072

Applicant(s)

SAUTER ET AL

Examiner

Sang Y. Paik

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-13 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (US 6,297,482) or Blanchard et al (US 6,717,117) in view of Ueda (US 4,410,795).

Becker shows a cooking appliance having a cooktop with associated heating elements, a controller for operating the heating elements wherein at least one control element allows for inputting power settings, and Becker also shows a timer with a display along with the power setting control elements to provide for establishing a timer control. Blanchard also shows a cooking appliance having a cooktop with associated heating elements with a power and timer controller for inputting desired power settings and timer. However, neither Becker nor Blanchard shows the inputting of second power level operated for the second time duration after the first time duration associated with a first power level.

Ueda shows a cooking appliance having a controller with the control elements having a plurality of buttons for selecting a first set of button for inputting the first set of power and time duration and a second set of button for inputting the second set of power and time duration. Ueda also allows the power and time duration to increase or decrease depending on the desired settings, and the selection of the second power and time duration is prompted automatically after the first power level and time duration is entered. In view of Ueda, it would have been obvious to

Art Unit: 3742

one of ordinary skill in the art to adapt Becker or Blanchard with the programmable control elements to input the sequential power and time durations to automatically implement the cooking process which requires varying heating temperatures, including a simmering operation which is normally performed at a low heating temperature, and varying cooking time to meet the desired cooking operations.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker or Blanchard in view of Ueda as applied to claims 1 and 2 above, and further in view of Ljunggren (US 5,073,701) and Hoellerich (US 6,294,994).

Becker or Blanchard in view of Ueda shows the cooking appliance claimed except the controller performing the terminating operation.

Ljunggren shows a power termination process after detecting that the cooking operation has not been changed for a predetermined time. Hoellerich also shows a power termination process after detecting no user has been detected for a predetermined time.

In view of Ljunggren or Hoellerich, it would have been obvious to one of ordinary skill in the art to adapt Becker or Blanchard, as modified by Ueda, with the power termination operation after a predetermined time including the claimed time duration to safeguard the cooking appliance from overheating or fire hazards.

***Allowable Subject Matter***

4. Claims 5-13 and 15-20 are allowed.

***Response to Arguments***

5. Applicant's arguments filed 4/12/05 have been fully considered but they are not persuasive.

Art Unit: 3742

The applicant argues that it would not have been obvious to combine the teachings of Ueda with the operations of the cooktop since Ueda discloses its use with a microwave oven. This argument is not deemed persuasive since Ueda discloses that its invention is applicable generally to a heating apparatus including not only the microwave oven but also to an electric oven. It is further noted that Ueda shows that its teachings involve a heating apparatus having the programmable timer to control the sequence heating. The primary references Becker and Blanchard both include the control means having a timer that controls the power duration of the heating elements for a cooktop. With such control means, it would have been obvious to one of ordinary skill in the art to look at other electrical heating devices, including the microwave or electrical ovens to improve on the cooking operations, and employing the teachings of Ueda would have obvious to one of ordinary skill as they are in the same field of endeavor which is in the field of electric cooking heating devices incorporating the timer to control the cooking time of the heating devices, and incorporating the sequence heating of Ueda would have been obvious to further improve the cooking operations.

With respect to Ljunggren and Hoellerich, the applicant argues the examiner used hindsight to combine the prior art. This argument is not deemed persuasive since the teachings of termination the operations of the heating element are clearly specified in the Ljunggren and Hoellerich references, and the period of inactivity sensed in Ljunggren and Hoellerich to terminate the power operations would have been applicable to the applied prior to safeguard the electric heating devices.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3742

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sang Y Paik  
Primary Examiner  
Art Unit 3742

S. Paik

syp